

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN FAHEY; DIETERICH GRAY,

Plaintiffs,

-against-

BREAKTHROUGH FILMS & TELEVISION
INC.; BREAKTHROUGH ENTERTAINMENT;
IRA LEVY; LAUREN LEINBURD,

Defendants.

1:21-CV-3208 (LTS)

ORDER DIRECTING PAYMENT OF
FEES OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiffs bring this action *pro se*. To proceed with a civil action in this court, Plaintiffs must either pay a total of \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed without prepayment of fees, they must each complete, sign, and submit an *in forma pauperis* (“IFP”) application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiffs submitted the complaint without the relevant fees or each one of them filing an IFP application. Within thirty days of the date of this order, Plaintiffs must either pay a total of \$402.00 in fees or each complete, sign, and submit an attached IFP application. If Plaintiffs each submit an IFP application, the applications should be labeled with docket number 1:21-CV-3208 (LTS). If the Court grants the IFP applications, Plaintiffs will be permitted to proceed without prepayment of fees. *See* § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to each plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiffs comply with this order, this action shall be processed in accordance with the procedures of the Clerk’s Office. If Plaintiffs fail to comply with this order within the time allowed, this action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: April 29, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge